

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIYUKI KAERIYAMA

Appeal No. 1997-2285
Application 08/311,480¹

ON BRIEF

Before URYNOWICZ, HAIRSTON, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 7.

The disclosed invention relates to a method of manufacturing a micromechanical device.

¹ Application for patent filed September 23, 1994.

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Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A method for forming a micromechanical device wherein said method includes the step of forming a pad film over activation circuitry having a first bias and any moving parts of the device having a second bias, which contact other surfaces subjecting said parts to sticking or friction, wherein said pad film acts as an insulator between said activation circuitry and said moving parts.

The reference relied on by the examiner is:

Webb 5,447,600
Sept. 5, 1995

(filed Mar. 21, 1994)

Claims 1 through 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Webb.

Claims 4 through 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Webb.

Reference is made to the briefs and the answers for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the 35 U.S.C. § 102(e) rejection of claims 1 through 3, and the 35 U.S.C. § 103 rejection of claim 7. The 35 U.S.C. § 103 rejection of claims 4 through 6 is reversed.

Webb discloses a micromechanical device in which the deflectable beam 20 and the address electrodes 16 are at different biases, and in which the deflectable beam 20 and the landing electrodes 14 are at the same bias. According to appellant (Brief, page 6), the pad film 26 in Webb does not provide any insulation between the address electrodes which are at a first bias and the deflectable beam which is at a second bias.

Although the pad film 26 has been removed from the address electrodes 16 in the first embodiment (Figures 1 and 2) disclosed by Webb, the second embodiment (Figure 3c) disclosed by Webb clearly shows a pad film 26 on the landing electrodes 14 and on the address electrodes 16. Webb indicates that "FIG. 3C has protective layer 26 on both the landing electrodes 14 and address electrode 16" (column 5, lines 52 and 53). Thus, the pad film 26 in the second embodiment (Figure 3c) of Webb functions as an insulator between the first and second biases on the address electrodes and the deflectable beam, respectively.

In view of the foregoing, the 35 U.S.C. § 102(e)

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rejection of claim 1 is sustained.

The 35 U.S.C. § 102(e) rejection of claim 2 is sustained because Webb discloses the use of organic polymers for pad film 26 (column 2, line 58 through column 3, line 4).

The 35 U.S.C. § 102(e) rejection of claim 3 is sustained because Webb discloses the use of a fluoropolymer for pad film 26 (column 2, lines 67 and 68).

Turning to the 35 U.S.C. § 103 rejection of claim 7, Webb discloses that micromirrors are micromechanical devices (column 1, lines 13 through 23). As a result thereof, the obviousness rejection of claim 7 is sustained.

The obviousness rejection of claims 4 through 6 is reversed because Webb neither teaches nor would have suggested to one of ordinary skill in the art a pad film of inorganic material.

DECISION

The decision of the examiner rejecting claims 1 through 3 under 35 U.S.C. § 102(e) is affirmed. The decision of the examiner rejecting claims 4 through 7 under 35 U.S.C. § 103 is affirmed as to claim 7, and is reversed as to claims 4 through 6. Accordingly, the decision of the examiner is affirmed-in-

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part.

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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED-IN-PART

	Stanley M. Urynowicz, Jr.)	
	Administrative Patent Judge)	
)	
)	
)	
	Kenneth W. Hairston)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	Lance Leonard Barry)	
	Administrative Patent Judge)	

tdc

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Charles A. Brill
Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, TX 75265